

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Document #

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U.S.C.A. #

U.S.D.C. #

JUDGE:

DATE:

Johnson

-v-

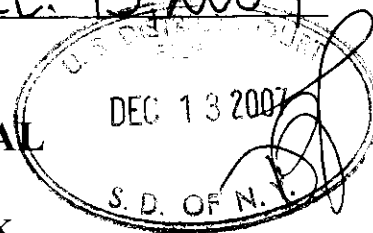
USA

07-cv-3054

KMW

DEC. 13, 2007

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME):

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DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

☒ Original Record

☐ Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the 13th Day of December, 2007.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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Johnson  
 -v-  
USA  
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U.S.C.A. # \_\_\_\_\_  
 U.S.D.C. # 07-cv-3054  
 JUDGE: KMW  
 DATE: DEC. 13, 2007

**Clerk's Certificate**

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 4, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

_____	_____
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In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 13th Day of December In this year of our Lord, Two Thousand and Seven, and the Independence of the United States this 232<sup>ND</sup> year.

**J. Michael McMahon, Clerk**

By \_\_\_\_\_

Deputy Clerk

2255, APPEAL, CLOSED

**U.S. District Court  
 United States District Court for the Southern District of New York (Foley Square)  
 CIVIL DOCKET FOR CASE #: 1:07-cv-03054-KMW  
 Internal Use Only**

Johnson v. USA  
 Assigned to: Judge Kimba M. Wood  
 Related Case: 7:04-cr-01358-KMK-1  
 Cause: 28:2255 Motion to Vacate / Correct Illegal Sentence

Date Filed: 04/20/2007  
 Date Terminated: 09/25/2007  
 Jury Demand: None  
 Nature of Suit: 510 Prisoner: Vacate Sentence  
 Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
04/16/2007	<u>1</u>	MOTION to Vacate, Set Aside or Correct Sentence (28 U.S.C. 2255). NO FURTHER ENTRIES. PLEASE SEE CRIMINAL CASE: 04-cr-1358. Document filed by James E. Johnson.(laq) (Entered: 04/20/2007)
04/16/2007		Magistrate Judge Michael H. Dolinger is so designated. (laq) (Entered: 04/20/2007)
04/16/2007	<u>2</u>	60 DAYS ORDER.... Movant is directed to submit an amended petition within 60 days of the instant order as set forth within. Movant is hereby directed to file an amended petition consistent with this order. Should movant decide to file an amended petition, it must be submitted to this Court's Pro Se Office within 60 days of the date of this order, be captioned as an "AMENDED PETITION" and bear the same docket number as this order. Movant is advised that his amended petition will completely replace the petition he filed originally with the Court. A copy of this order must be attached to the amended petition. All further proceedings shall be stayed for 60 days or until movant has complied with this order. If movant fails to comply with this order within the time allowed, the petition will be dismissed without prejudice. Once submitted, the amended petition shall be reviewed for compliance with this order and substantive sufficiency and then, if proper, the case shall be reassigned to a district judge in accordance with the procedure's of the Clerk's office. The Court certifies pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 4/16/07) (laq) (Entered: 04/20/2007)
09/25/2007	<u>3</u>	JUDGMENT in favor of USA against James E. Johnson that the movant's 2255 motion is dismissed without prejudice and a certificate of appealability will not issue since any appeal would not be taken in good faith. (Signed by Judge Kimba M. Wood on 9/25/07) (jf) (Entered: 09/25/2007)
09/25/2007		ORDER OF DISMISSAL without prejudice and without costs. Movant, proceeding pro se and presently incarcerated at FCI Ft Dix seeks to vacate his conviction and sentence pursuant to 28 USC 2255. For the following reasons, movant's 2255 motion is dismissed without prejudice. As movant has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. The Court certifies pursuant to 28 USC 1915(a)(3) that any appeal from this order would not be taken in good faith. Refer to 04 cr 1358 Document #122. (Signed by Judge Kimba M. Wood on 9/25/07) (jw) (Entered: 09/25/2007)
10/17/2007	<u>4</u>	NOTICE OF APPEAL from <u>3</u> Judgment. Document filed by James E. Johnson. Copies sent to attorney(s) of record: A.U.S.A. (tp) (Entered: 12/12/2007)
10/17/2007		Appeal Remark as to <u>4</u> Notice of Appeal filed by James E. Johnson. \$455.00 APPEAL FEE DUE. IFP REVOKED 9/25/07. COA DENIED 9/25/07. (tp) (Entered: 12/12/2007)
12/12/2007		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>4</u> Notice of Appeal. (tp) (Entered: 12/12/2007)
12/12/2007		Transmission of Notice of Appeal to the District Judge re: <u>4</u> Notice of Appeal. (tp) (Entered: 12/12/2007)